

STAFF COMMENTS: 05/25/10

**REMINDER FOR COMMISSIONERS TO STATE THEIR NAME BEFORE SPEAKING.
REMINDER FOR STAFF TO COME TO THE PODIUM WHEN SPEAKING.
REMINDER TO TURN OFF ALL CELL PHONES DURING THE MEETING...**

ITEM 1. ::Review :: Staff comments for the commissions review included herein.

ITEM 2. :: Action Item : Recommendation:: The Fort Harmony Historical Society representative is asking for review of a use that was withdrawn several years ago. This event had been held several years within New Harmony Town, then in 2006 the pageant was held at the Old Fort Harmony site, and in 2007, they changed the format to have just scheduled pioneer events. These types of events are conditionally approved. This event is known as "Fort Harmony Days" scheduled for Saturday, June 19, 2010, to have pioneer events to celebrate the founding of Harmony Valley. Parking will be available along Old Hwy 144 and the newly improved 2900 East (Schmutz Lane). Visitors will be able to utilize the library restrooms. Tables will probably be set up on the library parking lot for the barbeque. (See previous site plan & information notes included herein)

ITEM 3. ::Action Item : Administrative:: The applicant has already complied with item A (below), whereas planning staff approved this conditional use permit on April 6, 2010. This unit was built in September of 2006, so it is less than 15 years old, meeting item B (below). The applicant has provided verification of the HUD tag number as required in item C (below).

10-13-16 County Code: MOVING DWELLINGS: Any dwelling proposed to be moved onto any parcel of land in the county shall meet the following requirements:

A. All dwellings moved onto sites in the county shall first be granted a conditional use permit as required by chapter 18 of this title.

B. A dwelling proposed to be moved onto a site in the county shall be less than fifteen (15) years of age at the time of moving unless otherwise approved by the planning commission.

C. A manufactured home shall be identifiable by the manufacturer's data plat bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying that the home was manufactured to HUD standards. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001)

Photos have been submitted for your review and staff recommends approval for the moving permit, based on above criteria being met. Once again, this is an administrative action item.

ITEM 4. ::Action Item: Administrative:: Staff is behind in sending out our CUP letters of approval to applicants; we like to attach a copy of the approved minutes with the letter. So please take a minute to read the copies of minutes provided herein (April 10 & 24 and May 11, 2010).

ITEM 5. ::No Action : Discussion Only:: The commission reviewed this item at length previously and it was suggested that we review this as a discussion item prior to our meeting in June. Since our last meeting, we have received a letter from another property owner and further information from Mr. Poppitt regarding the poles installed. (See letters and e-mail included herein) As previously reported, both applicants are amateur HAM Radio operators, who installed two poles within the setback area of their properties in Central. The adjacent neighbor, Evan and Bridget Jones, have written a letter indicating they have no problem with the pole erected near

their property line. The staff attorney has reviewed the Memorandum Opinion and Order before the Federal Communications Commission on Federal preemption of state and local regulations pertaining to Amateur radio facilities. This is being reviewed conditionally on exceptions to height limitations (10-13-12 County Code). ***EXCEPTIONS TO HEIGHT LIMITATIONS: Subject to conditional use approval of the planning commission, and approval of the county commission, penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limit herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001).*** The maximum height regulation is 35 feet without a conditional use permit. (See photos and only new information included herein)

ITEM 6. ::Review : No Action : Recommendation for Ad :: This ordinance amendment is in keeping with suggestions from the commission at our previous work meeting. There may need to be changes to the notification process in areas where certain types of conditional uses are requested to make the local citizens aware of what is coming to or being requested in the neighborhood, such as, cellular towers or other types of uses. It has been suggested by staff that the commission may want to consider listing types of uses “permitted” without notification. A packet will be provided to the applicant as to the standards & procedures of notification. If the commission agrees, staff felt these changes could be reviewed by going directly to the advertising process for a hearing on the 8th of June. (See copy of proposed ordinance amendment included herein)

ITEM 7. ::Review : No Action : Recommendation for Ad :: This particular ordinance amendment is a “housekeeping” item in an effort to make the ordinance consistent with what is required in other chapters of the zoning ordinance and State Code. This change deletes the advertising process for Bed and Breakfast within the RE zones. The staff agreed that this change could be reviewed by going directly to the advertising process for a hearing on the 8th of June. (See copy of ordinance included herein)

ITEM 8. ::Review : No Action : Recommendation for Ad :: This amendment is in keeping with suggestions from the commission previously regarding cemeteries after reviewing a Conditional Use Permit at the November 10th, 2009 meeting for Mr. Staples. This change is as simple as listing cemeteries as a conditional use, referencing the State Code and renumbering following uses. This change will allow for Mr. Staples to return with an amended PD zone to facilitate the cemetery and changes he has already made in property lines. Cemeteries should be conditionally approved in the PD zone and this change to the zone will be in keeping with the mixed uses and sustainable communities. If the commission agrees, staff felt this change could be reviewed by going directly to the advertising process for a hearing on the 8th of June. (See copy of the proposed ordinance amendment included herein)

ITEM 9. ::Review : No Action : Recommendation for Ad :: Staff has recommended some changes to the language in the definitions for Accessory Buildings and Accessory Dwelling Units. There needs to be language on habitable space and occupiable space as defined in the building codes and delete some of the structures defined. Presently, the ordinance does not allow for an

accessory building unless there is a primary residential building on the lot before a permit is issued (see sentence in blue line). In the past, staff has issued permits together, so they can be built simultaneously, allowing for their equipment and materials to be stored in a workshop/garage/barn type facility. Should this sentence be modified? (See copy of suggested ordinance amendment included herein)

ITEM 10. ::Review : No Action:: For the past year John Willie has been working on the General Plan and he is ready to start review of several sections in draft form. He has presented a short introduction of the Bureau of Land Management, National Forest, National Park, Institutional and Trust Lands Administration. If time permits, the commission may be ready to make comments on what was presented. (There are no attachments included herein)

ITEM 11. ::No Action:: Staff decisions from the Land Use Authority Staff Meeting one (1) Conditional Use Permit Extension. (Minutes attached)

ITEM 12. Action taken on Planning Items by the Washington County Commission on May 18, 2010, beginning at 4:00 p.m.: (a) Conditional use extension to operate an aggregate processing plant and crushing operation in an existing grandfathered pit in the containing 22.39 acres, a portion of Section 32, T39S, R16W, SLB&M, generally located east of Veyo... Sunroc Corporation/Russell Leslie and Dana Truman, applicants; (b) Conditional use extension to build a Fire Station/Office, adding another station in the Diamond Valley area, with the building being located at the southwesterly end of the valley, Lot D, Diamond Valley Acres - Phase 2 - Plat A... Derald Terry, agent; and (c) Conditional use to locate a temporary batch plant and job site trailers within the OSC-20 zone, for the expansion the Red Butte Substation on Forest Service land near Central. Schmidt Construction, applicant.

ITEM 13. General reporting on various topics. Any report or topic under this line item needs to be noticed, as per State Code. **Please schedule items for this agenda line item with the Land Use Authority Office no later than 10:00 a.m. on the 1st and 3rd Wednesdays of each month.**